

PLANNING

ELECTRONIC
VERSION

Planning Decision

P24/S0941/FUL

Mr Darren Smith
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74 Park Road
Rugby
Warwickshire
CV21 2QX

REFUSAL OF PLANNING PERMISSION

Application No : **P24/S0941/FUL**

Application proposal, including any amendments :

Change of use of land to use as a residential caravan site for 3 gypsy families, including the stationing of 6 caravans of which no more than 3 are to be static caravans/mobile homes, together with the laying of hardstanding.

Site Location : **Emmanuel Ranch Windmill Road Towersey OX9 3QQ**

South Oxfordshire District Council hereby gives notice that **planning permission is REFUSED** for the carrying out of the development referred to above for the following reason(s) :

1. The application site is situated in an unsustainable location in the open countryside, physically separate and remote from the nearest settlement and without safe and sustainable access to local services and facilities. The proposed development would be highly reliant on the use of private motor vehicle to access local services and facilities and does not benefit from any exceptions under either the National Planning Policy Framework or Develop Plan that would justify its provision in such an isolated and unsustainable location in the countryside. The develop is therefore contrary to policies STRAT1, DES8 and TRANS5 of the South Oxfordshire Local Plan 2035; policy TOW1 of the Towersey Neighbourhood Plan; and government guidance contained in the National Planning Policy Framework and the Planning Policy for Traveller Sites in so far as these aimed at achieving sustainable development.
2. The lack of a 5-year supply of gypsy/traveller sites under the South Oxfordshire



Local Plan 2035 and the personal circumstances of the applicant and his family are outweighed by other considerations, including the adverse impacts of the development in terms of the character of the landscape; the intrinsic value of the countryside; the character and visual amenity of the surrounding area; the unsustainable location of the site; the net loss of biodiversity; the failure to adequately address contamination risks; the lack of information regarding sustainable surface and foul water drainage; and the deliberate unauthorised nature of the development already undertaken. Furthermore, the proposed development would not positively enhance the environment and increase its openness. Rather, it has been designed in a manner that encloses the site in a way that gives the impression that the site and its occupants are deliberately isolated from the rest of the community. The proposed development is therefore contrary to policy H14 of the South Oxfordshire Local Plan 2035; and government guidance contained in the Planning Policy for Traveller Sites aimed at achieving the suitable and sustainable location of gypsy/traveller sites; and the suitable design and assimilation of gypsy and traveller sites into their surroundings.

3. The proposed material change of use of the land and related operations have an urban character and appearance that sits uncomfortably in the existing rural landscape and countryside setting. The development is harmful to the landscape and the intrinsic character, beauty and tranquillity of the countryside, contrary to policies ENV1 and H14 of the South Oxfordshire Local Plan 2035; and government guidance contained in the National Planning Policy Framework and the Planning Policy for Traveller Sites in so far as these aim to protect the landscape qualities and intrinsic value of the countryside from adverse development.
4. The proposed development is of a character and appearance that sits uncomfortably in an otherwise open and tranquil rural setting. The multiple proposed caravans, by their very nature, do not respect the local distinctiveness of the area, being of a standardised, modern, utilitarian and non-vernacular design. The development does not physically or visually enhance or complement its surroundings and does not make adequate provision for any outdoor amenity space, including provision for landscaping or a play area for children. The development is therefore contrary to policies DES1, DES2, DES5 and H14 of the South Oxfordshire Local Plan 2035; policy TOW 16 of the Towersey Neighbourhood Plan; and government guidance contained in the National Planning Policy Framework and Planning Policy for Traveller Sites, aimed at achieving good design and respect for local distinctiveness.
5. Insufficient information has been submitted with the application to allow for a proper assessment of the impacts of outdoor lighting relating to the proposed development on the amenity of the area, the natural environment and dark sky character of the setting. This is contrary to policies DES6 and ENV12 of the South Oxfordshire Local Plan 2035

6. The potential harm to the health of the occupants of the proposed development from existing contaminants on the site has not been adequately addressed in the current application. This is contrary to policy ENV11 of the South Oxfordshire Local Plan 2035.
7. The unauthorised development already undertaken by the applicant and the additional development proposed to be undertaken has and will result in a net loss of biodiversity and likely harm to protected species. Insufficient information has been submitted with the current application to determine what mitigation or compensation would be required to achieve compliance with policies ENV2 and ENV3 of the South Oxfordshire Local Plan 2035; policy TOW7 of the Towersey Neighbourhood Plan; and government guidance contained in the National Planning Policy Framework aimed at protecting biodiversity.
8. Insufficient information has been submitted to demonstrate that the proposed development can be feasibly and sustainably drained in a manner that addresses flood risk and water quality concerns, having particular regard to the impermeable nature of the underlying geology, the natural fall of the land away from the highway and the absence of any water course or public sewer in proximity to the site. The development is therefore contrary to policy EP4 and H14 of the South Oxfordshire Local Plan 2035 and government guidance contained in the National Planning Policy Framework aimed at addressing flood risk and water quality.

In accordance with paragraph 38 of the National Planning Policy Framework the Council takes a positive and proactive approach to development proposals. The Planning Service works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and by advising applicants/agents of issues that arise during the processing of their application and where possible suggesting solutions to problems.

Note : A more detailed explanation is available in the officer's report, available in the application case file.



Head of Planning
9th May 2024

STATUTORY INFORMATIVE

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under sections 78 and 79 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from :

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Telephone : 0303 444 5000
www.planningportal.gov.uk
email: enquiries@pins.gsi.gov.uk.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council

(District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter 1 of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

OTHER INFORMATION

The Planning Portal contains a wide range of helpful planning-related guidance and services. You may wish to view their website (www.planningportal.gov.uk).

BUILDING OVER GAS MAINS AND SERVICES

Please note before you plan to dig, or carry out building work within the SGN gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development **and**
2. Contact the SGN Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone SGN with general plant protection queries. See SGN details below: Phone 0800 912 1722 or email plantlocation@sgn.co.uk

For further information please refer to:

<https://www.sgn.co.uk/damage-prevention>

<https://www.sgn.co.uk/help-and-advice/digging-safely>